

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.**

In the Matter of)	
)	WC Docket No. 16-_____
Section 63.63 Application of)	
Comcast IP Phone, LLC)	

SECTION 63.63 APPLICATION

Comcast IP Phone, LLC (“Comcast” or “Applicant”) hereby seeks authorization, pursuant to Section 214(a) of the Communications Act of 1934, as amended (the “Act”), 47 U.S.C. § 214(a), and Section 63.63 of the rules of the Federal Communications Commission (“FCC” or “Commission”), 47 C.F.R. § 63.63, for an emergency discontinuance of its provision of interconnected voice over Internet protocol (“VoIP”) services and associated features in one isolated instance in California. As set forth below, natural erosion of the sea wall along the Sonoma coast required the California Department of Transportation (“Cal-Trans”) to immediately begin repairs that resulted in the permanent discontinuance of these Comcast services to six customers.

The Applicant provides the following information pursuant to Section 63.63 of the Commission’s rules:

1. Effective Date of Discontinuance and Service Area Affected: The emergency discontinuance in question impacts six voice customers in Sonoma County, California, along a stretch of Highway 1. At this time, we understand that the service of some customers was disconnected over the weekend of August 13-14, 2016, while the remaining customers were disconnected on August 25-26, 2016.

2. Nature and Estimated Duration of Conditions Causing the Discontinuance:

Comcast's VoIP service to the customers affected by this request is provided via a buried cable that crosses Highway 1 along the Sonoma coast in California in order to connect to a Comcast facility located on a sea wall. The sea wall runs parallel to Highway 1 and serves as a buffer between the Pacific Ocean and the mainland. The ocean over time has gradually eroded the wall to the point that part of Comcast's previously buried cable is now exposed and hanging over the edge of a cliff, as shown in the attached photographs (Attachment A). The erosion also has undermined the Highway 1 right-of-way, which is maintained by Cal-Trans. Comcast has been actively negotiating with Cal-Trans for a number of years to find a solution for relocating or rerouting Comcast's facilities. Comcast met most recently with Cal-Trans representatives on August 4, 2016 to discuss the agency's latest proposal, which Comcast received on August 2. During that meeting, Cal-Trans informed Comcast for the first time that Cal-Trans planned to begin immediately to excavate the section of Highway 1 under which Comcast's cable is buried and that service to Comcast's customers served by that cable, therefore, would be discontinued. Cal-Trans also notified Comcast that it would not be permitted to relocate or reroute its facilities. Cal-Trans, thus, unilaterally decided to remove Comcast's cable along a portion of the Sonoma coast and permanently discontinue the company's VoIP service to the affected Comcast customers. The very next day, Comcast provided written notice of the planned Cal-Trans excavation and accompanying interruption of VoIP service to the impacted customers via hand delivery.

3. Facts Showing that Such Conditions Could Not Reasonably Have Been Foreseen:

Cal-Trans did not notify Comcast until August 4, 2016 that it intended to immediately begin excavation of the Highway 1 road bed during which it would remove Comcast's cable and discontinue the company's VoIP service to customers served via that cable. Accordingly, Comcast had no way of foreseeing the need to seek authorization for immediate discontinuance of service.

4. Brief Description of Service Involved: The discontinuance in question impacts

Comcast's Xfinity Voice ("XV") service, which provides customers with the ability to place both local and long-distance calls using VoIP technology. The discontinuance also impacts all optional features and offerings associated with XV, such as alarm monitoring.

5. Nature of Service Available or Substituted: The customers in question have the

option of obtaining comparable wireline voice service from AT&T. These customers also continue to have the option of obtaining wireless service from a number of carriers, including AT&T and Verizon.

6. Effect Upon Rates to Any Person in the Community: Applicant has no reason to

believe that the emergency discontinuance will have any impact on the rates charged to customers in the community.

7. Efforts Made to Restore Original Service or Establish Comparable Service: As noted,

Comcast has been actively engaged with Cal-Trans for a number of years to relocate its facilities within the Cal-Trans right of way. Cal-Trans has declined to approve Comcast's requests, citing the severity of the sea wall's erosion and concerns about

the impact that Comcast's relocation of its cable and other facilities would have on the surrounding area.

For the reasons set forth above, Comcast respectfully requests Commission approval of this Section 63.63 Application. Pursuant to subsection (b) of this provision, Comcast also informally requests authority for indefinite and/or permanent discontinuance of service to the six customers impacted by these unforeseeable circumstances.

Please direct any questions regarding this Application to the undersigned.

Respectfully submitted,

Comcast IP Phone, LLC

/s/ Richard Chapkis

Richard Chapkis

Deputy General Counsel

Comcast Corporation

One Comcast Center, 50th Floor

Philadelphia, PA 19103

E-Mail: Richard_Chapkis@Comcast.com

Emily J. H. Daniels

Lawler, Metzger, Keeney & Logan, LLC

1717 K Street, NW, Suite 1075

Washington, DC 20006

Telephone: (202) 777-7723

E-Mail: edaniels@lawlermetzger.com

Counsel to Comcast IP Phone, LLC

Dated: September 8, 2016

Attachment A

The arrow demonstrates where Comcast's facilities begin.



The barricade and cones demonstrate how closely the road – and, thus, Comcast’s cable – comes to the edge of the cliff.



An alternative view of the road's proximity to the edge of the cliff.

